

Arnold & Porter

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May 13, 2024

VIA ECF

Hon. Miroslav Lovric
U.S. Magistrate Judge
U.S. District Court
Northern District of New York
Binghamton U.S. Courthouse
15 Henry St.
Binghamton, NY 13901

Re: *Honeywell Int'l Inc. v. Buckeye Partners, L.P. et al., No. 5:18-cv-00646-FJS-ML; Honeywell Int'l Inc. v. Energy Transfer (R&M), LLC et al., No. 5:18-cv-01176-FJS-ML; Honeywell Int'l Inc. v. CITGO Petroleum Corp., No. 5:19-cv-01219-FJS-ML (consolidated)*

Dear Judge Lovric,

Pursuant to the Court's April 22 and 29, 2024 Text Orders, ECF Nos. 390, 394, the Settling Parties¹ to the above-referenced matters, including Honeywell, Buckeye, ARCO, Chevron, ExxonMobil, Shell, and CITGO provide the following report:

CITGO Case

Honeywell and CITGO report that they have executed a settlement agreement. Under the terms of the agreement, Honeywell and CITGO will file a stipulation of dismissal with the Court not later than June 10, 2024. Honeywell and CITGO are the only parties to the CITGO Case (No. 5:19-cv-01219-FJS-ML) and their agreement resolved all pending claims in that case; accordingly, the case will be dismissed in its entirety.

¹ The Settling Parties listed in the January 27 2024 Letter Motion, ECF No. 369, include: Honeywell International Inc. ("Honeywell"); Buckeye Partners, L.P., Buckeye GP LLC, Buckeye Pipe Line Company, L.P., and Buckeye Pipe Line Holdings, L.P. ("Buckeye"); Atlantic Richfield Company ("ARCO"); Chevron Corporation, Chevron U.S.A. Inc., Texaco, Inc., and TRMI-H LLC ("Chevron"); ExxonMobil Oil Corporation and Exxon Mobil Corporation ("ExxonMobil"); and Shell USA, Inc. ("Shell"). Settling Parties also includes CITGO Petroleum Corporation ("CITGO"), which the Court added in its April 29, 2024 Text Order. ECF No. 394.

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Buckeye Case

All parties who appeared in the Buckeye Case (No. 5:18-cv-00646-FJS-ML) filed a Stipulation of Dismissal on May 8, 2024. *See* ECF No. 395. As stated in the Stipulation and discussed more fully in the May 8, 2024 letter motion, ECF No. 396, Honeywell dismissed all claims against Buckeye² and Buckeye dismissed all of its claims except for the Remaining Claims³ against third parties. Honeywell and all parties subject to the Remaining Claims in the Buckeye Case (Buckeye, ExxonMobil, and YAD Defendants⁴) joined in the letter motion to sever the Remaining Claims from the Sunoco Case. *Id.* The consensus view of the impacted parties is that it would be most efficient for the Court and the parties if the Court were to permit the Remaining Claims in the Buckeye Case and the Sunoco Case to proceed unconsolidated on separate tracks. *See id.*

Sunoco Case

As Honeywell and Sunoco reported in the April 26, 2024 status report, ECF No. 392, discovery is proceeding apace in the Sunoco Case (No. 5:18-cv-01176-FJS-ML). The settlements discussed above do not impact the Sunoco Case.

* * *

The Settling Parties to the above-captioned cases consented to my filing this status report on their behalf.

Sincerely,

/s/ Tyler L. Burgess

Tyler L. Burgess
ARNOLD & PORTER KAYE SCHOLER LLP
Brian D. Israel
Daniel A. Cantor

² *See* ECF No. 395, ¶ 1.

³ ECF No. 396 (“All that remains in the Buckeye Case are claims by Buckeye against the YAD Defendants from the First Third Party Action and claims between the YAD Defendants and Exxon (the “Remaining Claims”.”); *cf.* ECF No. 395, ¶¶ 3-5.

⁴ “YAD Defendants” includes YAD Associates, Inc.; Pyramid Company of Onondaga, Suzanne M. Congel and Douglas E. Ulrich, as Co-Executors of the Estate of Robert J. Congel, and Bruce A. Kenan.

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